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3 BILL NO. X- 79-10-32

4 ANNEXATION ORDINANCE NO. X- 09-79

5 AN ORDINANCE AMENDING ANNEXATION  
6 ORDINANCE NO. X-06-79, AS AMENDED.

7 WHEREAS, heretofore on September 25, 1979, the Common  
8 Council of the City of Fort Wayne did pass Ordinance No.  
9 X-06-79, as Amended; and,

10 WHEREAS, said Ordinance was duly presented to the Mayor  
11 of the City of Fort Wayne on September 26, 1979, and approved  
12 and signed by the Mayor of the City of Fort Wayne, on September  
13 28, 1979 at 4:30 o'clock P.M. E.S.T.; and,

14 WHEREAS, said Ordinance as subsequently Amended was  
15 received by the Common Council of the City of Fort Wayne from  
16 the City Plan Commission prior to September 1, 1979; and,

17 WHEREAS, the law of the State of Indiana was changed  
18 affecting annexations occurring after September 1, 1979 by  
19 IC 18-5-10-25 in that the provisions of Section 2 of said  
20 Annexation Ordinance No. X-06-79, as Amended were no longer  
21 applicable; and,

22 WHEREAS, in keeping with policy of the City Plan Commission  
23 adopted subsequent to the enactment of said IC 18-5-10-25  
24 said Section 2 in said Ordinance would no longer be applicable,  
25 but a new Section 2 should be substituted therefor; and,

26 WHEREAS, said City Plan Commission did recommend that a  
27 new Section 2 be substituted for said Section 2, as set forth  
28 in Annexation Ordinance No. X-06-79 as Amended, but through  
29 error and inadvertence the Common Council of the City of Fort  
30 Wayne failed to include said new Section 2, but did include  
31 the old Section 2 which is no longer the fiscal policy of the  
32 City of Fort Wayne, nor the law of the State of Indiana;  
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3 NOW THEREFORE in order to conform with the Indiana State  
4 Law IC 18-5-10-25 and the policy of the City of Fort Wayne:

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
6 FORT WAYNE that Section 2 of Annexation Ordinance No. X-06-79  
7 as Amended, be deleted in its entirety and the following new  
8 Section 2 be substituted in lieu thereof as follows:

9 SECTION 2. It is the policy of the City of Fort  
10 Wayne to furnish the above described territory  
11 within a period of one (1) year governmental  
12 services of a non-capital nature in a manner  
13 which is equivalent in standard and scope to  
14 those non-capital services provided to areas  
15 within the City which have similar topography,  
16 patterns of land utilization, and population  
17 density to the said described territory. It is  
18 also the policy of the City of Fort Wayne to  
19 provide services of a capital improvement  
20 nature to the annexed territory within three (3)  
21 years in the same manner as such services are  
22 provided to areas already in the City with  
23 similar topography, patterns of land utilization  
24 and population density, and in a manner consis-  
25 tent with federal, state, and local laws, procedures  
26 and planning criteria.

27 In all other respects except as hereinabove amended  
28 said Annexation Ordinance No. X-06-79, as Amended shall be  
29 in full force and effect as therein provided.

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Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_

\_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: \_\_\_\_\_

CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_

seconded by \_\_\_\_\_, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>1</u>	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>X</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>X</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<del><u>X</u></del>	<u>X</u>	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 10-23-79

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

(~~ZONING MAP~~) (~~GENERAL~~) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~) ORDINANCE

(~~RESOLUTION~~) No. X-09-79 on the 23rd day of October, 1979.

ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th

day of October, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

CITY CLERK

Approved and signed by me this 29th day of October, 1979,

at the hour of 9 o'clock 9 M., E.S.T.

MAYOR

SUSPENSION OF RULES

BILL NO. X-79-10-32

Councilman Stier, moved to suspend the rules on passage of BILL NO. X-79-10-32, at this meeting of October 23, 1979, of the Common Council of the City

of Fort Wayne, Indiana. Said motion was seconded by Councilman Hinga, and duly passed by unanimous vote of all legally elected members of the said Common Council.

The above BILL and Annexation ORDINANCE was accordingly placed on its passage.

DATE: 10-23-79

Charles W. Westerman  
CITY CLERK

Winfield C. Moore Jr.  
PRESIDING OFFICER

	AYES	NAYS	ABSTAINED	ABSENT	TO-VIT
	<u>9</u>	<u>0</u>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<u>BURNS</u>	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
<u>HINGA</u>	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
<u>HUNTER</u>	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
<u>MOSES</u>	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
<u>NUCKOLS</u>	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
<u>D. SCHMIDT</u>	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
<u>V. SCHMIDT</u>	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
<u>STIER</u>	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
<u>TALARICO</u>	<u>X</u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-09-79

ATTEST:

(SEAL)

DATE: 10-23-79

Charles W. Westerman  
CITY CLERK

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2  
3 BILL NO. X- 79-10-32

4 ANNEXATION ORDINANCE NO. X- 09-79

5 AN ORDINANCE AMENDING ANNEXATION  
6 ORDINANCE NO. X-06-79, AS AMENDED.

7 WHEREAS, heretofore on September 25, 1979, the Common  
8 Council of the City of Fort Wayne did pass Ordinance No.  
9 X-06-79, as Amended; and,

10 WHEREAS, said Ordinance was duly presented to the Mayor  
11 of the City of Fort Wayne on September 26, 1979, and approved  
12 and signed by the Mayor of the City of Fort Wayne, on September  
13 28, 1979 at 4:30 o'clock P.M. E.S.T.; and,

14 WHEREAS, said Ordinance as subsequently Amended was  
15 received by the Common Council of the City of Fort Wayne from  
16 the City Plan Commission prior to September 1, 1979; and,

17 WHEREAS, the law of the State of Indiana was changed  
18 affecting annexations occurring after September 1, 1979 by  
19 IC 18-5-10-25 in that the provisions of Section 2 of said  
20 Annexation Ordinance No. X-06-79, as Amended were no longer  
21 applicable; and,

22 WHEREAS, in keeping with policy of the City Plan Commission  
23 adopted subsequent to the enactment of said IC 18-5-10-25  
24 said Section 2 in said Ordinance would no longer be applicable,  
25 but a new Section 2 should be substituted therefor; and,

26 WHEREAS, said City Plan Commission did recommend that a  
27 new Section 2 be substituted for said Section 2, as set forth  
28 in Annexation Ordinance No. X-06-79 as Amended, but through  
29 error and inadvertence the Common Council of the City of Fort  
30 Wayne failed to include said new Section 2, but did include  
31 the old Section 2 which is no longer the fiscal policy of the  
32 City of Fort Wayne, nor the law of the State of Indiana;  
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3 NOW THEREFORE in order to conform with the Indiana State  
4 Law IC 18-5-10-25 and the policy of the City of Fort Wayne:

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
6 FORT WAYNE that Section 2 of Annexation Ordinance No. X-06-79  
7 as Amended, be deleted in its entirety and the following new  
8 Section 2 be substituted in lieu thereof as follows:

9 SECTION 2. It is the policy of the City of Fort  
10 Wayne to furnish the above described territory  
11 within a period of one (1) year governmental  
12 services of a non-capital nature in a manner  
13 which is equivalent in standard and scope to  
14 those non-capital services provided to areas  
15 within the City which have similar topography,  
16 patterns of land utilization, and population  
17 density to the said described territory. It is  
18 also the policy of the City of Fort Wayne to  
19 provide services of a capital improvement  
20 nature to the annexed territory within three (3)  
21 years in the same manner as such services are  
22 provided to areas already in the City with  
23 similar topography, patterns of land utilization  
24 and population density, and in a manner consis-  
25 tent with federal, state, and local laws, procedures  
26 and planning criteria.

27 In all other respects except as hereinabove amended  
28 said Annexation Ordinance No. X-06-79, as Amended shall be  
29 in full force and effect as therein provided.

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Approved as to form and legality  
this 23<sup>rd</sup> day of October, 1979.

  
John H. Logan, Attorney for Common Council

Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee on \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: \_\_\_\_\_

CITY CLERK

Read the third time in full and on motion by Stier, seconded by Thompson, and duly adopted, placed on its passage.

PASSED (~~lost~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>1</u>	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>X</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>X</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>X</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<del><u>X</u></del>	<u>X</u>	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	<u>X</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: 10-23-79

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
(~~ZONING MAP~~) (~~GENERAL~~) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~) ORDINANCE  
(~~RESOLUTION~~) No. X-09-79 on the 23rd day of October, 1979.

ATTEST: (SEAL)

Charles M. Whitman  
CITY CLERK

Winfield C. Mason  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of October, 1979, at the hour of 11:30 o'clock AM, E.S.T.

CITY CLERK

Approved and signed by me this 29th day of October, 1979, at the hour of 9 o'clock AM, E.S.T.

MAYOR

SUSPENSION OF RULES

BILL NO. X-79-10-32

Councilman Stier, moved to suspend the rules on passage of BILL NO. X-79-10-32, at this meeting of October 23, 1979, of the Common Council of the City of Fort Wayne, Indiana. Said motion was seconded by Councilman Hinga, and duly passed by unanimous vote of all legally elected members of the said Common Council.

The above BILL and Appropriation ORDINANCE was accordingly placed on its passage.

DATE: 10-23-79

Charles W. Westerman  
CITY CLERK

Winfield C. Moore JR.  
PRESIDING OFFICER

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
	<u>9</u>	<u>0</u>			
<u>BURNS</u>	<u>X</u>	—	—	—	—
<u>HINGA</u>	<u>X</u>	—	—	—	—
<u>HUNTER</u>	<u>X</u>	—	—	—	—
<u>MOSES</u>	<u>X</u>	—	—	—	—
<u>NUCKOLS</u>	<u>X</u>	—	—	—	—
<u>D. SCHMIDT</u>	<u>X</u>	—	—	—	—
<u>V. SCHMIDT</u>	<u>X</u>	—	—	—	—
<u>STIER</u>	<u>X</u>	—	—	—	—
<u>TALARICO</u>	<u>X</u>	—	—	—	—

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Appropriation Ordinance No. X-09-79

ATTEST:

(SEAL)

DATE: 10-23-79

Charles W. Westerman  
CITY CLERK